

# LEE COUNTY

NORTH CAROLINA

*Committed Today for a Better Tomorrow*

## NOTICE OF PUBLIC HEARING:

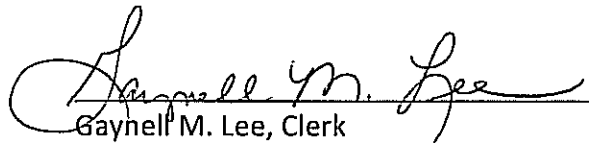
### Concerning a Proposal to Establish Two Fire Protection, Ambulance and Rescue Service Districts Within the Existing Cape Fear Rural Fire Protection District

NOTICE IS HEREBY GIVEN, pursuant to North Carolina General Statute 153A-302(c), of a public hearing to consider whether the Lee County Board of Commissioners should establish two Fire, Ambulance and Rescue Service Districts within the territorial jurisdiction of the existing Cape Fear Rural Fire Protection District. The public hearing will be held on Wednesday, June 15, 2011, from 6:00 p.m. until 8:00 p.m. in the Gordon Wicker Conference Room, First Floor of the Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina. All interested citizens and organizations are invited to attend and participate. If you desire to speak at the public hearing, please contact the Board of Commissioner's Clerk at 919-718-4605 prior to the hearing, or sign up as you enter the Conference Room on the night of the hearing. Citizens will be allowed a maximum of 3 minutes each to make comments. Citizens holding identical positions on the proposals are encouraged to select a spokesperson for the group.

A report concerning the proposal to establish the fire protection, ambulance and rescue services districts is available for public inspection at the Office of the Clerk to the Board of Commissioners, 106 Hillcrest Drive, Sanford, North Carolina, between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday. A copy of the report also is available for inspection at the County Library located at 107 Hawkins Avenue, Sanford, North Carolina during its regular hours. The report contains: (1) maps of the two proposed service districts showing their boundaries, (2) a statement that the proposed districts meet the standards set out in North Carolina General Statute 153A-302(a) for their establishment, and (3) plans for provision of the services. The full report also is available on the Lee County web site at [www.leecountync.gov](http://www.leecountync.gov).

The Report and maps showing the boundaries of the two proposed service districts follow.

Dated this 10 th day of May 2011.



Gaynell M. Lee, Clerk

Lee County Board of Commissioners

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## **REPORT:**

### **Concerning a Proposal to Establish Two Fire Protection, Ambulance and Rescue Service Districts Within the Existing Cape Fear Rural Fire Protection District**

This report has been prepared by the Lee County Attorney's Office at the direction of the Lee County Board of Commissioners (hereinafter "Board") and is submitted to the Board's Clerk as required by North Carolina General Statute 130A-302(b). The clerk shall make it available for public inspection and copying during the Clerk's regular office hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

At its regular meeting on April 18, 2011, the Board adopted a resolution making findings concerning a proposal to establish two fire protection, ambulance and rescue service districts within the territorial jurisdiction of the existing Cape Fear Rural Fire Protection (RFP) District. The resolution also directed County staff to take all actions necessary to allow the Board to make a final decision concerning whether to establish the service districts. The preparation and filing of this report is a prerequisite for the Board's further consideration of the proposal.

The Board's resolution was adopted in response to a petition signed by a majority of the property owners and residents in the Clearwater Forest residential community and adjacent area (hereinafter "Clearwater Area") to transfer by July 1, 2011 the responsibility of providing fire protection services in the area from the Cape Fear RFP District to the City of Sanford. The transfer would improve the area's fire protection class rating, which now is 10 ("unprotected") because most of the area is more than six road miles from the nearest Cape Fear RFP District station. If fire protection service is provided by the City of Sanford, it normally would be provided by a station within approximately four miles of the Clearwater Area and thereby improve the Area's fire protection rating.

Prior to adopting the resolution, the Board received and considered the County Attorney's opinion that the only procedure that could result in transferring the responsibility to provide fire protection, ambulance and rescue services in the Clearwater Area from the Cape Fear RFP District to the City of Sanford by the deadline sought by the property owners is to establish two fire protection service districts within the exiting Cape Fear RFP District pursuant to Chapter 153A, Article 16, Part 1 of the North Carolina General Statutes--one for the Clearwater Area and another for the remaining portion of the existing Cape Fear RFP District. Maps showing the boundaries of the two proposed service districts are attached.

The Board also received and considered information from the County Attorney that the Law and Finance Committee of the Sanford City Council at its April 13, 2011 meeting expressed by consensus opinion support for the petition and the availability and willingness of the City of Sanford to provide fire protection, ambulance and rescue services to the Clearwater Area similar

to that provided to property owners and residents within the city limits at a cost of approximately \$36,000 for Fiscal Year 2011-2012.

As required by North Carolina General Statute § 153A-302(a), the Board received and considered information and evidence from property owners who would be affected by creation of the two proposed service districts and other persons relevant to the question of whether the districts would meet the statutory standards required to establish them. Based upon that information and evidence the Board of Commissioners made the following findings:

- (1) The proposed Clearwater Fire Protection, Ambulance and Rescue Service District would contain a resident population of approximately 528 persons with a population density of 493 persons per square mile.
- (2) The proposed Clearwater Fire Protection, Ambulance and Rescue Service District would consist of approximately 251 separate parcels with a 2011 assessed tax value of approximately \$22.5 million.
- (3) The present county tax rate paid by property owners in the proposed Clearwater Fire Protection, Ambulance and Rescue Service District is 75 cents per \$100 of property valuation and the present additional special tax rate for fire protection, ambulance and rescue services provided through the Cape Fear RFP District is 8.6 cents per \$100 of property valuation. The special tax rate for fire protection, ambulance and rescue services proposed to be provided by the City of Sanford is estimated to be approximately 16 cents per \$100 of property valuation, or (\$36,000) for Fiscal Year 2011-2012. There also would be an additional special tax of 1.25 cents per \$100 of property valuation for the Fire Marshal's Office services.
- (4) The property owners in the proposed Clearwater Fire, Ambulance and Rescue Service District have the ability and have expressed the desire to sustain the additional special taxes necessary to have the City of Sanford provide fire protection, ambulance and rescue services for the Area.
- (5) The proposed Cape Fear Fire Protection, Ambulance and Rescue Service District would contain a resident population of approximately 4,632 persons with a population density of 88.5 persons per square mile.
- (6) The proposed Cape Fear Fire Protection, Ambulance and Rescue Service District would consist of approximately 3,286 separate parcels with a 2011 assessed tax value of approximately \$336.5 million.
- (7) The present county tax rate paid by property owners in the proposed Cape Fear Fire, Ambulance and Rescue Service District is 75 cents per \$100 of property valuation and the present additional special tax rate for fire protection, ambulance and rescue services provided through the Cape Fear RFP District is 8.6 cents per \$100 of property valuation. Because of the loss of property valuation that would occur should the proposed Clearwater Fire Protection,

Ambulance and Rescue Service District be carved out of the existing Cape Fear RFP District, the proposed Cape Fear Fire Protection, Ambulance and Rescue Service District would require an increase in the special tax rate of approximately 0.6 cents per \$100 of property valuation to maintain its projected Fiscal Year 2011-2012 revenue. Therefore, the total additional special tax rate for fire protection, ambulance and rescue service for the proposed Cape Fear Fire Protection, Ambulance and Rescue Service District would be approximately 9.2 cents per \$100 of property valuation for Fiscal Year 2011-2012.

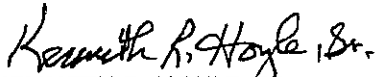
(8) An increase of 0.6 cents per \$100 property valuation would cost a property owner an additional \$6.00 per year for each \$100,000 of property valuation for fire protection, ambulance and rescue services. The property owners in the proposed Cape Fear Fire Protection, Ambulance and Rescue Service District have the ability to sustain the additional special taxes necessary to have fire protection, ambulance and rescue services provided to the area.


(9) The other options available to improve the Clearwater Area's fire protection class rating are to: (a) establish a new fire station in the Cape Fear RFP District closer to the Clearwater Area or (b) expand the boundaries of the Carolina Trace and Northview RFP Districts to include portions of the Clearwater Area. The first option would result in additional costs to the Cape Fear RFP District while the second option would reduce Cape Fear's property tax base. Each option, therefore, likely would cause an increase in the special tax rate for the Cape Fear RFP District similar to the tax rate increase that would result from creating the two proposed service districts.

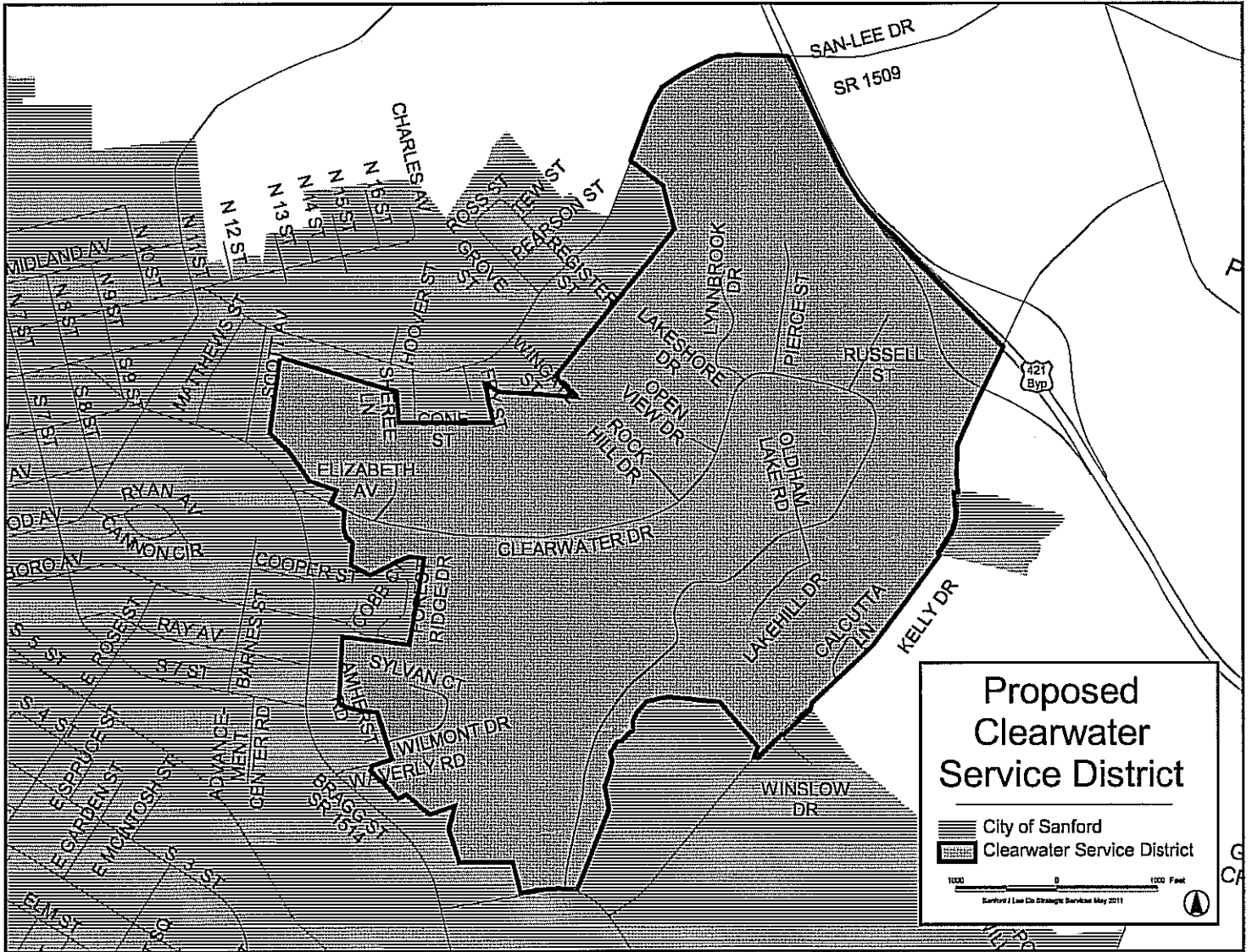
Based upon these findings, the Board of Commissioners concluded each proposed service districts meets the statutory standards required to establish them.

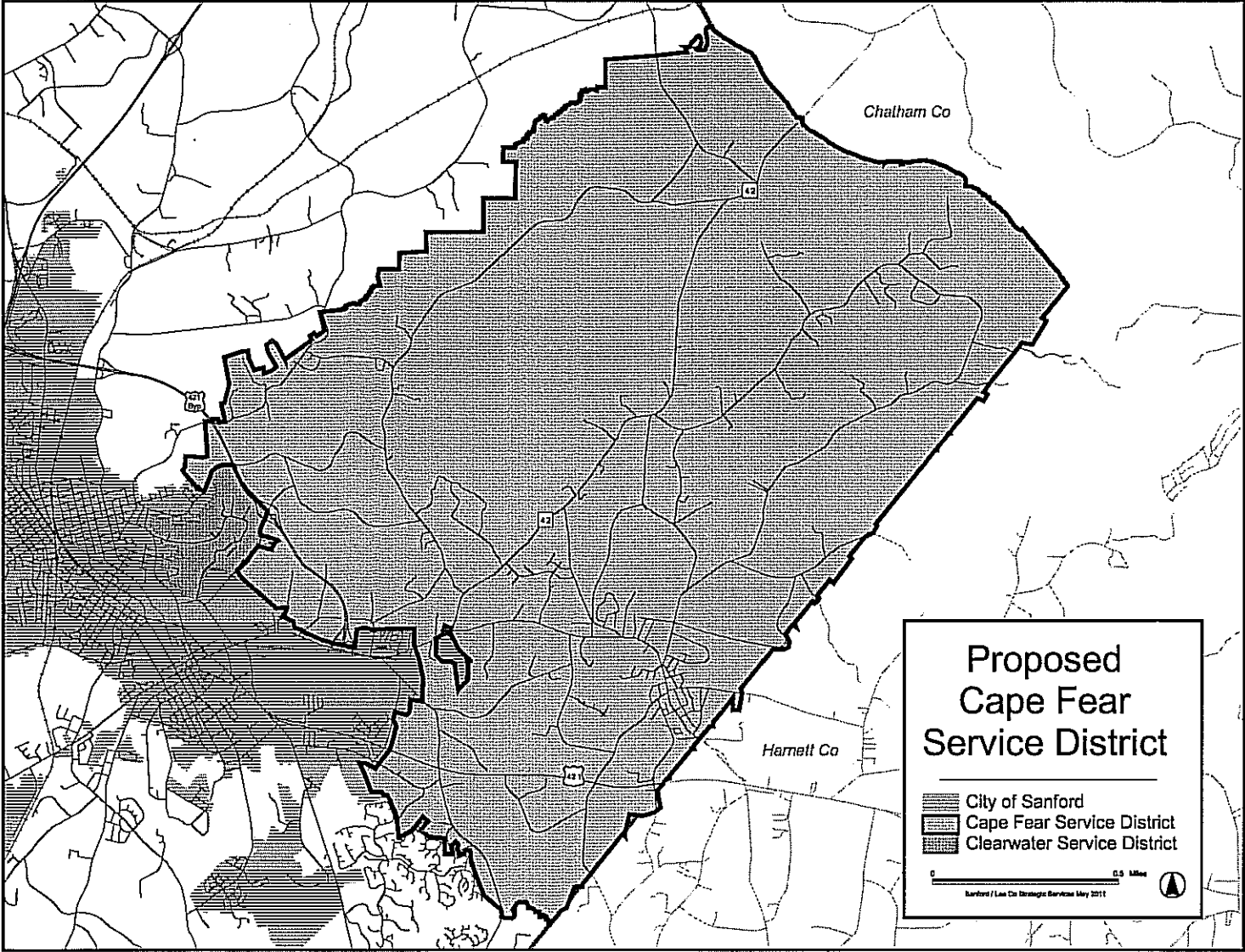
The Board of Commissioners also determined there were acceptable plans for providing the specified services to the two proposed districts. Specifically, the City of Sanford has tentatively agreed to provide fire protection, ambulance and rescue services to the proposed Clearwater service district through a contract with the County. Likewise, officers of the Cape Fear RFP District have indicated its availability and willingness to continue providing fire protection, ambulance and rescue services to the remaining portion of the existing Cape Fear RFP District through a contract with the County, if the area becomes a service district.

Respectfully submitted this 10 day of May, 2011.

  
KENNETH R. HOYLE, SR.  
County Attorney

  
W. DALE TALBERT  
Deputy County Attorney





**Proposed  
Cape Fear  
Service District**

- City of Sanford
- Cape Fear Service District
- Clearwater Service District

0 0.5 Miles  
Sanford / Lee Co Strategic Services May 2011